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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,055

11/21/2003

John M. Williams

2478.2018-001

9135

21005

7590

06/02/2006

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EXAMINER

GEMBEH, SHIRLEY V

ART UNIT

PAPER NUMBER

1614

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,055

Applicant(s)

WILLIAMS, JOHN M.

Examiner

Shirley V. Gembeh

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>(2 sheets) 1/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The response filed **March 03, 2006** presents remarks and arguments to the office action mailed **October 10, 2005**. Applicants' request for reconsideration of the rejection of claims in the last office action has been considered.

Status of Claims

Claims 1-26 are pending.

Response to Arguments

Maintained Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant traverses the rejection of claims 1-4 are not indefinite because of the terms used unsubstituted and substituted are common terms of art.

In response, although these are common terms used, surely not all possible unsubstituted or substituted variables of the term are used and indeed not all the possible various compounds are made. Absent showing that all the possible variables of the unsubstituted and or substituted forms where made, the rejection is maintained.

Applicant's arguments regarding rejections of claims 1-4 under 112-second have been fully considered but they are not persuasive because of the reasons stated above, therefore the rejection is maintained.

Maintained Double Patenting

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Applicant will address this issue when claims are allowed, therefore the rejection is maintained as no traversal was made because the rejection is to a provisional US application.

Claim Rejections - 35 USC § 102

Claims 1-2, 4-8 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sneddon et al. WO 01/87849.

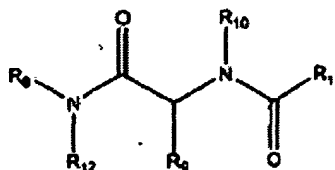
Applicant's arguments with respect to claims 1-2, 4-8 and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Sneddon et al. WO 01/87849.

Sneddon discloses current claims 1 and 2, a method of inhibiting tissue transplant, as graft versus host disease, (see page 14, line 30), administering the



compound of formula I

wherein the substituents

are the same as that of the claimed subject matter. See table below

Reference	instant	Data set
R ₁₁	R ₃	Substituted/unsubstituted

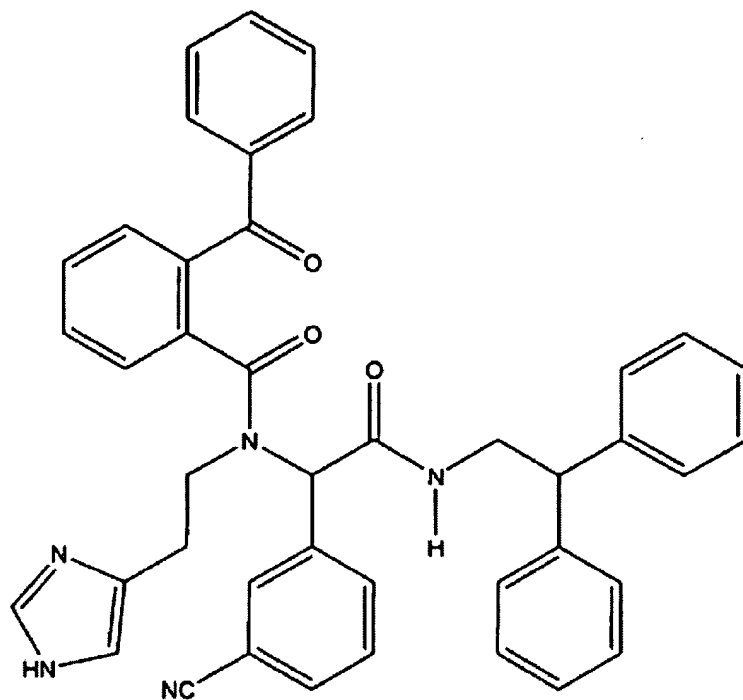
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		alkyl
R ₁₀	R ₂	substituted arakyl
R ₁	R ₉	substituted arakyl
R ₁₃	R ₄	substituted alkyl
R ₈	H	H

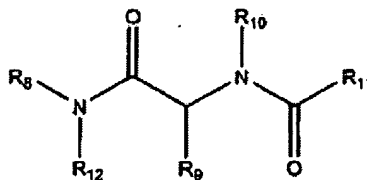
Sneddon discloses current claims 4-8, wherein, R₄ = R₁₂ is a substituted aryl group at page 82, line 7, and as in current claim 5 wherein R₄ is a substituted phenyl group at page 97 line 2, and a benzyl as in current claim 6. Sneddon also discloses current claims 7 and 8, wherein R₁ = R₉ is C₁-C₄ is either a substituted aryl/alkyl group (see page 82 line 10) and claim 9 a substituted aryl group, and an optionally substituted phenyl group as in claim 10. The reference discloses (see page, 52 table 1 compound 1, subsequently the reference anticipates claims 11-23.

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Sneddon also discloses administering the compound of current claims 24-25



(see page 87) to a patient with graft versus host disease (see page 14 line 30). With



regard to current claim 26 (see page 96)

where the

substituents of R for example R_{13} in the instant claim is represented by R_{11} are the

same-substituted alkyl, R_{12} is R_{10} in the cited reference is alkyl, R_{11} is R_9 etc.

No claim is allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley V. Gembel whose telephone number is 571-272-8504. The examiner can normally be reached on 8:30 -5:00, Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SVG
5/11/06

Ardin H. Marschel 5/27/06
ARDIN H. MARSCHEL
SUPERVISORY PATENT EXAMINER